

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

INNER-TITE CORP)	
)	
Plaintiff,)	
)	
v.)	<u>Civil Action No.</u>
)	04 40219 FDS
DEWALCH TECHNOLOGIES, INC.)	
)	
Defendant.)	
)	

**MOTION TO EXCLUDE FROM TRIAL
DEFENDANT'S PATENT AND FILE HISTORY THEREOF
AND ALL REFERENCES THERETO**

For the reasons stated in the accompanying memorandum of law, plaintiff, Inner - Tite Corp. requests that the court grant this motion under Fed.R.Civ.P., Rule 37(c)(1) to exclude from trial defendant's patent and file history thereof, as well as any and all references thereto.

Pursuant to Local Rule 7.1(a)(2), concurrence in the present motion has been sought but not obtained.

Attached hereto is a proposed Order granting this motion to exclude from trial defendant's patent as well as any and all references to the patent or file history at trial.

In support of this motion, plaintiff submits a memorandum of law. For the reasons stated in the accompanying memorandum of law, plaintiff respectfully requests that this court grant this motion to exclude from trial defendant's patent and file history thereof, as well as all references to the patent or file history thereof.

Respectfully submitted,

Inner-Tite Corp.

By Plaintiff's attorneys,

/s/ William E. Hilton

Dated: October 23, 2007

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper copies will be sent to persons indicated as non-registered participants on October 23, 2007 by First Class Mail.

/s/William E. Hilton
William E. Hilton

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**ORDER EXCLUDING FROM TRIAL
DEFENDANT'S PATENT, FILE HISTORY THEREOF,
AND ALL REFERENCES THERETO**

Having considered plaintiff's Motion to Exclude From Trial Defendant's Patent (US 7,176,376), the File History Thereof, and All References Thereto, it is hereby ORDERED that the Motion to Exclude From Trial Defendant's Patent and All References Thereto be GRANTED.

So Ordered.

Date: _____, 2007

F. Dennis Saylor, IV

United States District Judge